

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STACY SKILES MINZE

RESPONDENT,

**v.
MISSOURI DEPARTMENT OF
PUBLIC SAFETY, ET AL.**

APPELLANT.

DOCKET NUMBER WD76119

DATE: April 8, 2014

Appeal From:

Cole County Circuit Court
The Honorable Daniel R. Green, Judge

Appellate Judges:

Division Two: Gary D. Witt, Presiding Judge, Lisa White Hardwick, Judge and Alok Ahuja,
Judge

Attorneys:

W. Christopher McDonough, Chesterfield, MO, for respondent.

P. Benjamin Cox, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT**

STACY SKILES MINZE,

RESPONDENT,

v.

**MISSOURI DEPARTMENT OF
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APPELLANT.

No. WD76119

Cole County

Before Division Two: Gary D. Witt, Presiding Judge, Lisa White Hardwick, Judge and Alok Ahuja, Judge

Stacy Minze worked as a police officer for the Missouri Department of Public Safety and was assigned to the Capitol Police Department in Jefferson City. At some point, Minze suffered a work-related injury for which she underwent two surgeries. After she was granted light duty, but with limitations that she found objectionable, Minze filed a formal grievance against her captain alleging sex discrimination. However, no disciplinary action was taken against him. While on medical leave, Minze informed the Department that she would be applying for long-term disability. Thereafter, when Minze requested a second light-duty assignment, the captain refused to offer it to her. When Minze's application for long-term disability was granted, the Department notified her that she was deemed to have resigned from her job in accordance with state regulations concerning a state employee's transition to a permanent disability status.

Minze filed a complaint with the Missouri Commission on Human Rights alleging discrimination based on sex, disability and retaliation. After the Commission issued a "right to sue" letter, Minze filed a petition in the Circuit Court of Cole County. Two counts were submitted to a jury: unlawful discrimination based on sex and retaliation. The jury found for the Department on the claim of sex discrimination but found for Minze on her claim of retaliation. The jury awarded her \$70,000 in actual damages and \$70,000 in punitive damages.

In its first point, the Department argues that the trial court erred in overruling its objection to the verdict directing jury instruction which submitted the claim for retaliation because the instruction failed to set forth specific acts constituting retaliation, which resulted in a "roving commission" and allowed the jury to consider actionable and non-actionable behavior in the aggregate. Because our holding on the first point is dispositive, we do not reach the Department's second point.

REVERSED AND REMANDED

Division Two Holds:

Because the verdict-directing instruction on Minze's claim of retaliation referred broadly to the undefined term "adverse action" taken by the Department, rather than identifying the retaliatory acts allegedly committed by it, under the facts of this case the instruction constituted an impermissible "roving commission" and the cause must be remanded for a new trial.

Opinion by Gary D. Witt, Judge

April 8, 2014

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